

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 28-31 are pending in the present application, Claims 28-31 having been added, and Claims 25-27 having been canceled without prejudice or disclaimer. Support for new Claims 28-31 is found, for example, in the originally filed specification.¹ Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claim 25 was rejected under 35 U.S.C. §101 as directed toward non-statutory subject matter; and Claims 26 and 27 were allowed.

New Claim 28 is directed toward a medium. However, Claim 28 recites a physical configuration and a data structure. Thus, Claim 28 is directed toward statutory subject matter. Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. § 101. Furthermore, if a claim defines a useful machine or manufacture by identifying the physical structure of the machine or manufacture in terms of its hardware or hardware and software combination, it defines a statutory product. See, e.g., *Lowry*, 32 F.3d at 1583, 32 USPQ2d at 1034-35; *Warmerdam*, 33 F.3d at 1361-62, 31 USPQ2d at 1760.

Applicants respectfully submit that new Claims 28-31 are in condition for allowance.

According to the claimed invention, the updating of video data is managed by a main management file and a back-up management file. Particularly, Claims 28-31 recite, *inter alia*,

¹ For example, see Figs. 19A-19B of the application.

a video file including video data, a main management file, and a back-up management file have been stored under the DVD_RTR directory;

said main management file includes video management information used in managing the video data in the video file;

said main management file includes first program chain information designating a reproduction order of the video data;

said back-up management file has the same contents as the main management file;

the back-up file has second program chain information being the same contents as said first program chain information; and

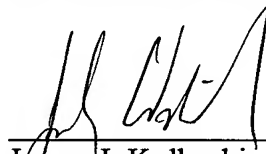
the first program chain information and the second program chain information are updated when the video data is updated.

The art of record does not disclose or suggest these features of new Claims 28-31.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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